

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MAHJOUBA SUNADA,

Plaintiff,

v.

WAL-MART, et al.,

Defendants.

Case No. 3:15-cv-00181-MMD-VPC

ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (dkt. no. 10) ("R&R") relating to Plaintiff's First Amended Complaint. (Dkt. no. 8.) The Plaintiff timely filed her objection thereto. (Dkt. no. 11.)

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); see also *Schmidt v. Johnstone*,

1 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in  
2 *Reyna-Tapia* as adopting the view that district courts are not required to review "any  
3 issue that is not the subject of an objection."). Thus, if there is no objection to a  
4 magistrate judge's recommendation, then the court may accept the recommendation  
5 without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without  
6 review, a magistrate judge's recommendation to which no objection was filed). In light of  
7 Plaintiff's objection, the Court engages in a *de novo* review to determine whether to  
8 adopt Magistrate Judge Cook's R&R.


9 The Magistrate Judge recommended that the action proceed under the original  
10 complaint (dkt. no. 5) and that Count I should proceed as a claim under 42 U.S.C. '  
11 2000e-2, while Counts II and II should be dismissed without leave to amend. Upon  
12 reviewing the R&R and records in this case, this Court finds good cause to adopt the  
13 Magistrate Judge's R&R in full.

14 It is therefore ordered, adjudged and decreed that the Report and  
15 Recommendation of Magistrate Judge Valerie P. Cooke (dkt. no. 10) is accepted and  
16 adopted in its entirety.

17 It is further ordered that the first amended complaint (dkt. no. 8) be stricken and  
18 that the action proceed under the original complaint (dkt. no. 5)

19 It is further ordered that Counts II and III of the complaint (dkt. no 5) be dismissed  
20 without prejudice, without leave to amend.

21 DATED THIS 6<sup>th</sup> day of January 2016.

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24 MIRANDA M. DU  
25 UNITED STATES DISTRICT JUDGE  
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